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UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

CAPITAL GROUP COMMUNICATIONS,  
 INC.

Plaintiff,  
 v.

GOTTAPLAY INTERACTIVE, INC., JOHN  
 P. GORST and MARK H. LEVIN, et al.

Defendants.

AND RELATED COUNTERCLAIM.

Case No. C-07-3632-EMC

Related Case No. C-07-4470 EMC

**STIPULATION FOR REFERENCE TO  
 EXPEDITED MEDIATION UNDER ADR  
 LOCAL RULE 6-2 AND PROPOSED  
 ORDER**

1                   WHEREAS, two related actions are pending before this Court, *Capital Group*  
2                   *Communications, etc. v. Gottaplay Interactive, etc., et al.*, Case No. C-07-3632-EMC, and  
3                   *Colonial Stock Transfer Co. v. Gottaplay Interactive, etc., et al.*, Case No. C-07-4470 EMC  
4 (collectively, the “Actions”)

5                   WHEREAS, various motions are pending and set to be heard by the Court in the  
6 next few weeks, including Capital Group’s Motion for Issuance of Preliminary Injunction  
7 (October 24, 2007 at 3 p.m.); (2) Colonial’s Motion For Discharge and Capital Group’s Cross-  
8 Motion to Dismiss Interpleader Action (October 24, 2007 at 3 p.m.); and (3) Capital Group’s  
9 Motion to Dismiss Gottaplay’s Counterclaims For Failure to State a Claim and Motion to Strike  
10 Affirmative Defenses (November 7, 2007 at 10:30 a.m.)

11                  WHEREAS, the parties have agreed to participate in a mediation through the  
12 Court’s ADR Program under ADR Local Rule 6 prior to the October 24, 2007 motion hearings.

13                  WHEREAS, the parties have contacted the Director of the Court’s ADR Program  
14 about the Court’s mediation program and selected four alternative mediators from the Court’s  
15 approved list.

16                  WHEREAS, the parties believe that they might be able to resolve their dispute if  
17 the Court referred the Actions to an expedited mediation to be completed before October 24,  
18 2007.

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1 The parties hereby jointly request through this Stipulation that the Court refer the  
2 Actions to an expedited mediation to be completed before October 24, 2007 under ADR Local  
3 Rule 6.

4 || Dated: October 5, 2007

## LAW OFFICES OF JAMES M. BARRETT

By: \_\_\_\_\_ /s/  
JAMES M. BARRETT  
Attorneys for Attorneys for COLONIAL STOCK  
TRANSFER CO.

8 || Dated: October 5, 2007

## LAW OFFICES OF JOHN R. MAYER

12 || Dated: October 5, 2007

## STEIN & LUBIN LLP

By: \_\_\_\_\_ /s/  
MICHAEL F. DONNER  
Attorneys for CAPITAL GROUP  
COMMUNICATIONS, INC. and DEVIN BOSCH

## **ORDER**

2 IT IS HEREBY ORDERED that the foregoing Stipulation is approved in its  
3 entirety and that the related actions, *Capital Group Communications, etc. v. Gottaplay*  
4 *Interactive, etc., et al.*, Case No. C-07-3632-EMC, and *Colonial Stock Transfer Co. v. Gottaplay*  
5 *Interactive, etc., et al.*, Case No. C-07-4470 EMC, are hereby referred to an mediation through  
6 the Court's ADR Program pursuant to under ADR Local Rule 6. The mediation shall be  
7 completed before October 24, 2007. The parties shall advise the Court prior to that date whether  
8 a settlement has been reached at the mediation.

## IT IS SO ORDERED.

Dated: October 16, 2007

